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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,301	09/24/2001	Ichiyu Shiga	1538.1018	4757

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EXAMINER

SHEPARD, JUSTIN E

ART UNIT PAPER NUMBER

2617

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/960,301	Applicant(s) SHIGA, ICHIYOU	
	Examiner Justin E. Shepard	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Malaure.

Note: the claims are being examined to the best understanding of the examiner.

Referring to claim 1, Malaure discloses a method for controlling interlock of an interactive service with data broadcasting (column 1, lines 40-42), said method comprising the steps of: acquiring information for specifying an interactive service associated with data broadcasting and information for specifying a service time of said interactive service; transmitting said information for specifying said interactive service

and said information for specifying said service time, which are acquired in said acquiring step, to a computer for providing said interactive service (column 1, lines 43-45; Note: retrieving and placing setup data on a broadcast channel is interpreted as being equivalent to acquiring and transmitting the data).

Claims 11 and 21 are rejected on the same grounds as claim 1.

Referring to claim 2, Malaure discloses a method as set forth in claim 1) wherein said acquiring step includes a step of extracting said information for specifying said interactive service and said information for specifying said service time from interactive service organization information (column 2, lines 34-37 and 53-57; Note: selecting an interactive service from a central computer is interpreted as extracting the information from a source).

Claims 12 and 22 are rejected on the same grounds as claim 2.

Referring to claim 3, Malaure discloses a method as set forth in claim 2, wherein said acquiring step further includes a step of extracting second information for specifying said interactive service from content information of said data broadcasting and comparing the second extracted information with said information for specifying said interactive service extracted from said interactive service organization information (column 5, lines 40-44; Note: comparing scores of different players is interpreted as being equivalent to comparing the extracted data to the interactive service data).

Claims 13 and 23 are rejected on the same grounds as claim 3.

Referring to claim 4, Malaure discloses a method as set forth in claim 1, wherein in said transmitting step, said information for specifying said interactive service and said

information for specifying said service time, together with content information of said data broadcasting, are distributed to said computer for providing said interactive service (column 1, lines 43-45; Note: broadcasting the start time and setup information is interpreted as being equivalent to distributing service time and interactive service information to a computer).

Claims 14 and 24 are rejected on the same grounds as claim 4.

Referring to claim 5, Malaure discloses a method as set forth in claim 1, further comprising a step of generating information as to whether each interactive service must be activated at present based on said information for specifying said service time of each said interactive service, and wherein in said transmitting step, said information as to whether each said interactive service must be activated at present is further transmitted (column 4, lines 59-67; Note: authorizing a customer for a pay service is interpreted as being equivalent to activating or deactivating a service).

Claims 15 and 25 are rejected on the same grounds as claim 5.

Referring to claim 6, Malaure discloses a method as set forth in claim 1, further comprising a step of, if information indicating an operating state of said interactive service is received from said computer for providing said interactive service, deleting or invalidating designation of an inactive interactive service in content information of said data broadcasting (column 5, lines 30-34).

Claims 16 and 26 are rejected on the same grounds as claim 6.

Referring to claim 7, Malaure discloses a method for controlling interlock of an interactive service with data broadcasting in a computer for carrying out said interactive

service associated with said data broadcasting (column 1, lines 40-42), said method comprising the steps of: receiving a set of information for specifying an interactive service and information for specifying a service time of said interactive service from a computer in one or a plurality of broadcasting stations (column 1, lines 43-45); extracting a set of information for specifying interactive service having a relation to said computer for carrying out said interactive service and information for specifying service time of that interactive service by using the received information for specifying said interactive service (column 5, lines 1-8); and controlling activation and deactivation of each said interactive service based on said extracted set of said information for specifying said interactive service and said information for specifying said service time of that interactive service (column 4, lines 59-67; column 5, lines 30-34)).

Claims 17 and 27 are rejected on the same grounds as claim 7.

Referring to claim 8, Malaure discloses a method as set forth in claim 7, wherein in said step of controlling said activation and deactivation (column 2, lines 6-9), if it is judged that a service start time has arrived based on said information for specifying said service time, a flag of the corresponding interactive service is set ON (column 1, lines 50-53), if it is judged that a service termination time has arrived based on said information for specifying said service time, a flag of the corresponding interactive service is set OFF, and an interactive service is activated or deactivated based on said flag of said interactive service (column 5, lines 30-34).

Claims 18 and 28 are rejected on the same grounds as claim 8.

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Referring to claim 9, Malaure discloses a method as set forth in claim 7, further comprising the steps of: acquiring information indicating an operating state of said interactive service; and transmitting said information indicating said operating state of said interactive service to a computer associated with said data broadcasting (column 2, lines 6-9).

Claims 19 and 29 are rejected on the same grounds as claim 9.

Referring to claim 10, Malaure discloses a method as set forth in claim 9, wherein said acquiring step includes a step of specifying that the interactive service is active in a case where a response indicating that the interactive service is active is received from the interactive service (column 5, lines 1-8; Note: downloading the required application is interpreted as being equivalent to specifying that the interactive service is active).

Claims 20 and 30 are rejected on the same grounds as claim 10.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bigam; U.S. Patent Number 6,041,056; Full Service Network Having Distributed Architecture.

Tanaka; U.S. Patent Number 4,961,109; Chargeable Program Receiving Limit Setting System in Two-Way Cable TV System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS



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